

ANNO SEXTO

GEORGE IV. REGIS.

No. IV.

An Act to regulate the granting of Licenses for the Sale of Spirits Ale Beer and other Liquors in New South Wales and Van Diemen's Land respectively. [8th February, 1825.]

WHEREAS it is necessary to the orderly conduct of Public-houses where strong liquors are sold by retail that the characters of the occupiers thereof should be subject to strict examination And whereas it is expedient in consideration of the Licenses to be granted to such Public-houses to raise certain sums of money in aid of the funds expended in the Colony Now therefore be it enacted by His Excellency the Governor of the Colony of New South Wales with the advice of the Council that no person or persons whatsoever shall sell or retail any malt or spirituous or other fermented strong liquors in New South Wales or the Dependencies thereof in less quantities than five gallons without first obtaining a License in manner and form hereinafter mentioned and if any person or persons shall sell or retail any such liquors contrary to the true intent and meaning of this Act he she or they shall forfeit for every such offence the sum of One Hundred Dollars together with the costs of prosecution to be recovered in a summary way before any Court of General or Quarter Sessions within the said Colony of New South Wales or Van Diemen's Land.

2. And be it further enacted That for every License for selling Ale Beer or other Malt Liquors or Cyder in any quantity under five gallons there shall be paid to the Colonial Treasurers of New South Wales and Van Diemen's Land respectively the sum of Twenty Dollars and that for every License for selling Ale Beer or other Malt Liquors or Cyder Brandy Rum Wine or any other Spirituous Liquors in any quantity under five gallons there shall be paid to the Colonial Treasurers of New South Wales and Van Diemen's Land respectively the sum of One Hundred Dollars Provided always that nothing hereinbefore contained shall be deemed or taken to apply to any person or persons supplying his her or their assigned servant or servants with any such liquors as aforesaid.

3. And be it further enacted That all Public-house Licenses as aforesaid shall be issued from and registered in the office of the Colonial Treasurer and be to the effect of the form marked Appendix (A) hereunto annexed.

4. And be it further enacted That before any such Licenses shall be granted a certificate to the form and effect hereinafter mentioned shall be obtained from the Justices of the Peace in Quarter Sessions or by special appointment assembled on the nineteenth day of February next and on the first Thursday in every month of March in every following year within the district or township nearest to the house intended to

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be made a Public-house as aforesaid and no such certificate shall be valid unless the Justice of the Peace living nearest to the said house shall either sign the same or have signified in writing his approval thereof And the said certificate shall be to the effect of the form marked Appendix (B) hereunto annexed.

Applicants for Justices' certificates shall produce certificates from the Minister the Chief Constable and three respectable house-keepers And execute recognizances paying the Justices' Clerk half a dollar for their certificate.

5. And be it further enacted That no such certificate as aforesaid shall be granted before the applicant or applicants for the same shall produce to such Justices assembled as aforesaid a certificate signed by the Minister of the Church of England (in case any Minister shall officiate within the district for which such License is demanded) the Chief Constable and three respectable housekeepers residing within such district according to the tenor and form marked Appendix (C) hereunto annexed And shall also execute a recognizance to the effect of the form marked Appendix (D) hereunto annexed and have paid to the clerk of the Justices aforesaid the sum of one-half dollar and no more for the certificate granted by such Justices as aforesaid.

Licenses to be countersigned by the Commissary of Civil Accounts.

6. And be it further enacted That before any Licenses shall be valid for any purposes the same shall be produced to the Commissary of Civil Accounts for New South Wales and Van Diemen's Land respectively and be countersigned by such respective Commissary.

To be valid for one year only.

7. And be it further enacted That such Licenses as aforesaid shall be valid for one year or until the next licensing day and no longer And that no Licenses as aforesaid shall be refused to be renewed except on proof of the holder or holders thereof having been convicted of a breach of the said recognizance as hereinafter mentioned.

May be held by the executors administrators or trustees for six months without renewal.

8. And be it further enacted That the executor or administrator or trustees in insolvency of any person holding a License under this Act shall be entitled to carry on the business of the house so licensed as aforesaid without renewing the same License during six months or until the next licensing day following the decease or legally declared insolvency or the execution and registry of the trust deed of the person or persons holding such License as aforesaid.

Justices may transfer Licenses.

9. And be it further enacted That any two Justices of the Peace one of them being the nearest resident Justice to the house licensed as aforesaid shall have power to transfer such License to the appointee or appointees of the owners thereof he she or they producing the like certificates and entering into all the engagements into which the original party or parties obtaining the same is or are by this Act bound to produce and enter into.

No person selling liquors to be taken as surety in any recognizance.

10. And be it further enacted That no person who shall sell or retail any malt or spirituous liquors shall be received or taken as surety in any recognizance to be entered into as aforesaid.

Fines for disorderly conduct in the keeping of Public-houses.

11. And be it further enacted That it shall be lawful for any two or more Justices of the Peace in a summary way to take cognizance of any complaint made against any person or persons licensed to keep a Public-house as aforesaid for disorderly conduct in the keeping of such Public-house and upon the conviction of any such person or persons to impose upon such person or persons for the first conviction a fine not exceeding Six Dollars for the second conviction a fine not exceeding Twelve Dollars and for the third conviction to suspend the License of such person or persons until the next meeting of the Court of General or Quarter Sessions for the district within which such offences shall have been committed and it shall be further lawful for such Justices and they are hereby required to cause the said person or persons convicted by them of such third offence to be prosecuted on his her or their recognizances And the said Court of General or Quarter Sessions shall have power and authority to hold plea of all actions or informations upon or concerning all recognizances entered into under and by virtue of this Law or Ordinance and all acts matters and

For first conviction a fine of Six Dollars for the second a fine of Twelve Dollars and for third conviction License to be suspended.

Persons convicted of such third offence to be prosecuted on their recognizances.

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and things touching the breach or forfeiture of such recognizance to levy the penalty or penalties therein expressed and further in the discretion of such Court of General or Quarter Sessions to suspend the License of every such person or persons as aforesaid for such time as shall seem fit or to rescind and make void the same altogether and if such License shall be rescinded and made void the same shall not be renewed or regranted to the party or parties so losing the same until after three years from the loss of such License.

Licenses forfeited not to be renewed for three years.

12. And be it further enacted That no Justice or Justices of the Peace who shall hold or have any interest in any house licensed as a Public-house shall be capable of granting any License as aforesaid or sitting in Sessions in any case touching or concerning the breach or forfeiture of any recognizance as aforesaid.

No Justice of the Peace having interest in any Public-house can grant a License.

13. And be it further enacted That all fines which shall be paid or levied under this Act shall be paid appropriated and accounted for in the same manner as in and by a certain Act of the Governor in Council intituled "*An Act to prevent the harbouring of Runaway Convicts and the encouraging of Convicts tippling or gambling*" is directed and prescribed.

Appropriation of fines under this Act.

APPENDIX (A).

Form of License to be issued from the Treasurer's Office.

"Whereas A. B. of (or A. B. and C. D.) hath (or have) deposited in this office a certificate from the Justices of the Peace assembled at on the day of in favour of his (or her or their) being (fit persons or) a fit person to keep a Public-house for the sale of And whereas the said A. B. (or &c.) hath (or have) also paid into this office the sum of Dollars a duty imposed by an Act of His Excellency Sir Thomas Brisbane with the advice of the Council of this Colony upon all Licenses for the sale of Malt or Spirituous Liquors (as the case may be) the said A. B. (&c.) is (or are) hereby licensed to keep a common Inn Alehouse or Victualling-house and to sell in the house in which he (or she or they) now dwelleth (or dwell) and in the premises thereunto belonging and not elsewhere Ale Beer &c. (or as the case may be) and the authority hereby granted is to continue in force from the date hereof until the day of 182 and no longer.

Form of Publican's License.

"(Signed)

Colonial Treasurer.

"(Countersigned)

Commissary of Civil Accounts."

APPENDIX (B).

Form of Certificate to be signed by the Justices of the Peace and delivered by the Applicant for a License to the Colonial Treasurer.

"These are to certify that we have received a certificate signed by the Minister (or not as the case may be) Chief Constable and three householders of the Township of that (A. B. &c.) is a person of good fame and reputation and fit and proper to keep a Public-house and we have taken from the said A. B. and C. D. his surety a recognizance in the form prescribed by an Act of His Excellency Sir Thomas Brisbane in Council of the 8th day of February 1825 and do approve of his holding a License for the sale of Ale Beer &c. (as the case may be).

Form of certificate by Justices of the Peace.

"(L. s.)

"(L. s.)"

APPENDIX (C).

Form of Certificate to be signed by the Minister (or not as the case may be) the Chief Constable and three householders of the District in which the house is situated for which a License is applied for or of the District or Districts in which the Applicant (or Applicants) has (or have) last lived.

"To the Worshipful the Justices of the Peace acting in and for the Colony of New South Wales (or Van Diemen's Land).

"We the undersigned Minister (or not as the case may be) Chief Constable and three householders of the Township (or District of) do hereby certify that A. B. of is a person of good fame and reputation and fit and proper to keep a Public-house.

Form of certificate by Minister and others.

"Witness our hands

" Minister of the Church of England.

" Chief Constable.

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" 2
" 3."

APPENDIX (D).

